

**Remarks**

Claims 1-8, 14, 15, 22-25 and 31-34 are pending in the instant application. Claims 1-8, 14, 15 and 22-25 have been amended to correct their form. Claim 1 is independent.

Applicant would like to thank the Examiner for an indication of allowable subject matter with respect to claims 22-25. Pursuant to the indication of allowable subject matter, Applicant has amended claim 2 to include all of the limitations of independent claim 1. Accordingly, claims 22-25 are believed to be in condition for allowance.

**Rejection Under 35 U.S.C. § 112, first paragraph**

Claims 1-8, 14, 15, 22-25 and 31-34 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification to enable one of ordinary skill in the art to make or use the invention. Specifically, the Office Action states that “applying an etchant in an inverse pattern...” appears to be new matter.

Claim 1 has been amended to delete the words “in an inverse pattern”, thereby obviating the rejection.

In view of the above, Applicant respectfully requests the withdrawal of the rejection of claims 1-8, 14, 15, 22-25 and 31-34 under 35 U.S.C. § 112, first paragraph.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claims 1-8, 14, 15, 22-25 and 31-34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Regarding claim 1, the Office Action states that the limitation “applying an etchant in an inverse pattern...” renders claim 1 vague and indefinite. As discussed hereinabove, Applicant has amended claim 1 to delete the words “in an inverse pattern”, thereby obviating the rejection.

Regarding claim 2, this claim is rejected as indefinite for a variety of reasons. Applicant has amended claim 2 to recite that the step of removing the portion of the metal layer results in the formation of a plurality of antennas.

Regarding claim 3, the Office Action indicates that the limitations “a single antenna” renders the claim vague and indefinite. Applicant has amended claim 3 to clarify that the “single antenna” is one of the “plurality of antennas” set forth in claim 2.

In view of the above, Applicant respectfully requests the withdrawal of the rejection of claims 1-8, 14, 15, 22-25 and 31-34 under 35 U.S.C. § 112, second paragraph.

**Rejection Under 35 U.S.C. § 102(b)**

Claims 1-6, 14, 15, 31, 33 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Horne U.S. Patent No. 5,861,226 (“Horne”).

Horne discloses a method of fabricating a resonant micromesh filter having conductive antenna elements, the method comprising: (1) creating an exposure mask having absorbing portions capable of stopping incident ions completely and transmitting portions incapable of

stopping incident ions and through which incident ions can pass; (2) positioning the exposure mask confronting an unpatterned filter; (3) passing ions through the exposure mask; (4) repositioning the exposure mask over an area of the unpatterned filter; (5) repeating step (4) until a desired surface area of the unpatterned filter has been exposed; and (6) processing the exposed unpatterned filter to produce a conductive antenna array supported by a substrate. (See, e.g., claim 1).

Horne is directed to modifying the radiant energy spectrum of a thermal energy source to produce a desired spectral bandwidth profile, wherein a frequency-selective resonant micromesh filter confronts the thermal energy source, the micromesh filter including an array of resonant conductive antenna elements and a substrate for supporting the antenna elements. Thermal radiation emitted from the energy source is filtered by the micromesh filter whereby radiant energy at particular wavelengths is reflected back to the energy source, while certain wavelength photons are transmitted through the micromesh filter. (See, e.g., col. 1, lines 5--65). However, Horne fails to disclose a method for formation of a *radio frequency antenna*, as required by independent claim 1 of the present invention.

Independent claim 1 recites a method for the formation of a radio frequency antenna. The RF antenna may be used for RF tagging of anti-theft devices, product packaging, credit cards, passports, admission tickets, stamps, vehicles, badges, fare cards, roadway tolls, customs and immigration checkpoints identification, and animal identification/tracking devices. By contrast, Horne involves a method of fabricating a resonant micromesh filter having conductive antenna elements. The resonant micromesh filter transmitted radiant energy so as to efficiently convert thermal energy to electricity by matching the spectral bandwidth of a thermal energy

source to the response characteristics of the cell. Horne clearly fails to teach a method for the formation of a radio frequency antenna, as recited in claim 1.

In view of the above, it is respectfully submitted that Horne fails to anticipate claim 1 of the instant invention. Horne does not anticipate claims 2-6, 14, 15, 31, 33 and 34 by virtue of their dependence from independent claim 1.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horne in view of Grabau U.S. Patent No. 6,147,662 (“Grabau”). Independent claim 1 of the present invention is distinguished from Horne as set forth hereinabove, and claims 7 and 8 depend from claim 1. Grabau fails to cure the deficiencies of Horne.

In view of the above, it is respectfully submitted that Horne in view of Grabau fails to render obvious claims 7 and 8 of the present invention.

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Horne. Independent claim 1 is distinguished from Horne as set forth hereinabove, and claim 32 depends from claim 32.

In view of the above, it is respectfully submitted that Horne fails to render obvious claim 32 of the present invention.

Conclusion

Based on the foregoing, favorable reconsideration and allowance of claims 1-8, 14, 15, 22-25 and 31-34 is solicited. If necessary, the Commissioner is hereby authorized in this and concurrent replies to charge payment (or credit any overpayment) to Deposit Account No. 50-0683 for any additional required fees.

Respectfully submitted,

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Date

  
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